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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,016	03/06/2001	Jeffrey A. Livesay	5563.02	1305
21897	7590	07/17/2006	EXAMINER COLBERT, ELLA	
THE MATTHEWS FIRM 2000 BERING DRIVE SUITE 700 HOUSTON, TX 77057			ART UNIT 3693	PAPER NUMBER

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,016

Applicant(s)

LIVESAY ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 15, 22-25, 34, 51, 54, 64, 65, 88, 89, 96 and 100-102 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 22-25, 34, 51, 54, 64, 65, 88, 89, 96, 100-102 and 115 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 5-14,16-21,26-33,35-50,52,53,55-63,66-87,90-95,97-99 and 103-130.

DETAILED ACTION

1. Claims 1-4, 15, 22-25, 34, 51, 54, 64, 65, 88, 89, 96, and 100-102 are pending. Claims 23-25, 34, 54, 65, 96, and 100-102 have been amended and claims 5-14, 16-21, 26-33, 35-50, 52, 53, 55-63, 90-95, 97-99, and 103-130 have been canceled in this communication filed 4/19/06 entered as Response After Non-Final Action and Request for Extension of Time.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, recites "obtaining the estimated data". It is unclear and cannot be determined from the claim language where the estimated data is obtained from. Is the estimated data obtained from a database or from some other place?

Claim 1 also recites "notifying the buyer of the any discrepancy, ... notice of the any discrepancy the buyer ... for the any discrepancy." This claim limitation lacks clarity as written. Suggestion to add clarity: "notifying the buyer of any discrepancy, ... notice of any discrepancy the buyer ... for any discrepancy."

Claim 4, recites "comprises at least one measurement of at least one technical specification ...". The "one measurement" is vague and indefinite because "one

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measurement “. The Specification on page 6, lines 16-26 uses the term “parameters”.

Does Applicant mean “one parameter”?

Claim 22, recites “a memory for storing ..., ...data is received from the seller field device ...;”. It is unclear what the Applicant means by “seller field device”. Does Applicant mean there is a database present with fields?

Claim 51, in the preamble recites “A process in a workflow system ... a first response to at least one second response, the first and at least one second responses responsive to ... at least one good/service for a project, the process comprising:”. Suggestion for clarity: “A process in a workflow system ... a first response to at least one second response, the first response and at least one second response responsive to ... at least one good and at least one service for a project, the process comprising:” or “A process in a workflow system ... a first response to at least one second response, the first response and at least one second response responsive to ... at least one good or at least one service for a project, the process comprising:” or A process in a workflow system ... a first response to at least one second response, the first response and at least one second response responsive to ... at least one good or at least one service or at least one good and at least one service for a project, the process comprising:” Claims 2, 3, 15, 23, 24, 34, 51, 64, 88, and 89 have a similar problem.

Claim 64, recites “at least one seller interface for receiving the first response and the at least one second response from at least one seller; a memory for storing the first response and the at least one second response; and a processor connected to the buyer interface, the at least one seller interface, and the memory, ... the first response

to the at least one second response, ... to the buyer via the buyer interface.”

Suggestion: “a seller interface for receiving the at least one first response and the at least one second response from a seller; a memory for storing the at least one first response and the at least second response; and a processor connected to a buyer interface, a seller interface, and a memory, ... the at least one first response to the at least one second response, ... to a buyer via a buyer interface. It is noted claim 51 has a similar problem with “first response” and “at least one second response”.

The dependent claims are also rejected because they depend from a rejected base claim.

Abstract

4. The abstract of the disclosure is objected to because the abstract contains over 150 words.

- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

Correction is required. See MPEP § 608.01(b).

Specification

5. The Specification is objected to because on page 1, lines 28 and 29 recite “..., transactional and/or geographical ..., ... goods and/or services”. These lines would be better recited as “transactional and geographical and transactional or geographical...,

... goods and services and good or services". Pages 2-8 and throughout the Specification have a similar problem. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Correction is required. See MPEP § 608.01(b).

The application is not in condition for allowance. These issues need to be overcome and after these issues have been overcome with amendments, the claims will be given an examination to determine if the claims are then in condition for allowance or if they are still rejectionable.

Inquiries


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 27, 2006


ELLA COLBERT
PRIMARY EXAMINER